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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO.       |
|--|-------------|----------------------|-----------------------------|------------------------|
| 10/686,844   | 10/16/2003  | Naveen Sharma        | A2485Q-US-NP XERZ<br>201276 | 1752                   |
| 27885  | 7590        | 01/11/2008           |                             |                        |
| FAY SHARPE LLP<br>1100 SUPERIOR AVENUE, SEVENTH FLOOR<br>CLEVELAND, OH 44114 |             |                      | EXAMINER<br>HAMZA, FARUK    |                        |
|  |             |                      | ART UNIT<br>2155            | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>01/11/2008     | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/686,844

Applicant(s)

SHARMA ET AL.

Examiner

Faruk Hamza

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the application filed on October 16, 2003.  
Claims 1-12 are pending.
2. The applicant should always use the period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks <sup>TM</sup>, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

### ***Specification***

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Cross reference section of the disclosure contains blank spaces.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1- 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims appear to be directed towards a DMA that can be implemented in software alone. The device referenced in claims does not appear to be part of the DMA. It appears that the claims do not include hardware necessary to realize the functionality of the software. The claims are therefore rejected as being directed toward non-statutory subject matter. See MPEP 2106.01.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Mandal et al. (U.S. Patent Number 7,043,738) hereinafter referred as Mandal.

Mandal teaches the invention as claimed including a data imaging system managed by three-tiered system. The lowest, or agent, tier comprises Common Information Model (CIM) provider objects that reside in the host providing the data imaging service and can make method calls on low-level kernel routines that implement the service (abstract).

As to claim 1, Mandal teaches a device model agent (DMA) provision method comprising:

providing a core device model (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26);

providing at least one interface to an operating system of a device (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26); and

providing a service environment in which services for the device can run (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26).

As to claim 2, Mandal teaches the method of claim 1 further comprising providing a service manager (Column 4, lines 10-Column 5, lines 26).

As to claim 3, Mandal teaches the method of claim 1 further comprising providing an object manager (Column 4, lines 10-Column 5, lines 26).

As to claim 4, Mandal teaches the method of claim 1 further comprising providing a user interface with which a user controls the DMA (Column 4, lines 10-Column 5, lines 26).

As to claim 5, Mandal teaches the method of claim 4 wherein the user interface is provided by a service manager (Column 4, lines 10-Column 5, lines 26).

As to claim 6, Mandal teaches the method of claim 1 wherein providing a service environment comprises:

running a service environment in a host application on a server (Column 4, lines 10-Column 5, lines 26);

providing the service environment with contact information of the device for which a service is to run (Column 4, lines 10-Column 5, lines 26); and

providing a communications medium through which the service environment can communicate with the device, the communications medium and a protocol being compatible with the device (Column 4, lines 10-Column 5, lines 26).

As to claim 7, Mandal teaches the method of claim 1 wherein providing a core device model comprises:

running a core device model for the device in a host application on a server (Column 4, lines 10-Column 5, lines 26);

providing the core device model with contact information of the device for which the core device model runs (Column 4, lines 10-Column 5, lines 26); and

providing a communications medium through which the core device model can communicate with the device, the communications medium and a protocol being compatible with the device (Column 4, lines 10-Column 5, lines 26).

As to claim 8, Mandal teaches the method of claim 1 wherein providing a core device model comprises:

providing an add-on component, running a core device model for the device in the add-on component (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26); and

connecting the add-on component to the device for which the core device model runs (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26).

As to claim 9, Mandal teaches the method of claim 1 wherein providing a service environment comprises running a service environment on the add-on component (Column 4, lines 10-Column 5, lines 26).

As to claim 10, Mandal teaches in a device including an operating system, a network connection, a device runtime environment, and a web server running in the device runtime environment, a device services provision method comprising:

providing a device model agent in the device runtime environment  
(Column 4, lines 10-Column 5, lines 26);

providing in the device model agent a services environment (Column 4,  
lines 10-Column 5, lines 26);

providing at least one service that can run in the services environment, the  
at least one service creating a services layer when running; providing in the  
device model agent a core device model (abstract, Column 2, lines 53-Column 3,  
lines 19, Column 4, lines 10-Column 5, lines 26);

providing in the core device model a service manager performing a  
service management method comprising:

loading the at least one service; unloading the at least one service; and  
managing the at least one service; and

providing in the device model agent a device interface in communication  
with at least one API of the device operating system.

As to claim 11, Mandal teaches in a device model agent (DMA)  
comprising at least one device interface, a service environment, and a core  
device model including a service manager, a DMA operation method comprising:

booting the DMA (abstract, Column 2, lines 53-Column 3, lines 19,  
Column 4, lines 10-Column 5, lines 26);

starting the service manager (abstract, Column 2, lines 53-Column 3, lines  
19, Column 4, lines 10-Column 5, lines 26);



loading core services with the service manager; and checking with a service supplier (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26);

receiving service configuration (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26);

interpreting and processing service configuration parameters (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26);

loading and starting subscribed services (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26); and

initiating a loop in the service manager comprising:

checking with a service supplier (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26);

receiving service configuration (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26);

interpreting and processing service configuration parameters (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26);

loading and starting newly subscribed services (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26);

stopping and unloading newly unsubscribe services ; and

monitoring services (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26).

As to claim 12, Mandal teaches in a device model agent (DMA) comprising at least one device interface, a service environment, and a core device model including a service manager, a DMA operation method comprising:

- providing a user interface (Column 4, lines 10-Column 5, lines 26);
- presenting a user with a list of available services (Column 4, lines 10-Column 5, lines 26);
- allowing the user to select a service (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26);
- allowing the user to customize a service; and
- ordering a service (abstract, Column 2, lines 53-Column 3, lines 19, Column 4, lines 10-Column 5, lines 26).

6. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is

571-272-7969. The examiner can normally be reached on Monday through Friday.

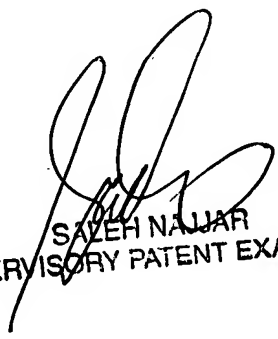
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER